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## MINUTE OF THE PANEL CONVENER

### Request for Section 51 reports for Waitaha Hydro Project [FTAA-2505-1069]

#### Concession, wildlife approval and complex freshwater fisheries activity approval

(24 September 2025)

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[1] This application seeks the following approvals under section 42(4) of the Fast-track Approvals Act 2024 (the Act):

- (a) Concession (section 42(4)(e) as defined in clause 1, Schedule 6;
- (b) Wildlife approval (section 42(4)(h);
- (c) Complex freshwater fisheries activity (section 42(4)(j)).

[2] This Minute directs the EPA to obtain advice and a report from the Director-General of Conservation (the relevant administering agency in respect of these approvals) pursuant to section 51 of the Act.

[3] Panel Convener Jane Borthwick will be appointing the expert panel and setting the decision timeframe. As she is currently on leave, I will manage the application until her return in October.

#### Specific directions to Director-General of Conservation

[4] The EPA is to file three separate reports in respect of the approvals listed in paragraph [1] above.

[5] In respect of the **concession**, the report should address:

- (a) The matters set out in clause 4, Schedule 6 of the Act;
- (b) How the weighting of matters set out in clause 7, Schedule 6 of the Act is to be approached, having regard to relevant senior court decisions;
- (c) Whether the Director-General disagrees with or wishes to expand on the expert technical reports or assessments lodged by the Applicant in support of the concession sought;
- (d) The Director-General's recommendation, either to grant, subject to conditions, or decline the concession sought, together with the basis of such recommendation;
- (e) Any proposed amendments considered necessary to conditions proposed in the application in the event of a recommendation to grant the concession sought, having regard to clauses 8 and 9, Schedule 6 of the Act. Any proposed amendments should be track changed.

[6] In respect of the **wildlife approval**, the report should address:

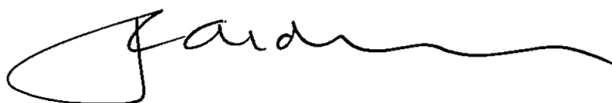
- (a) The matters set out in clause 3, Schedule 7 of the Act;
- (b) How the weighting of matters set out in clause 5, Schedule 7 of the Act is to be approached, having regard to relevant senior court decisions;
- (c) Whether the Director-General disagrees with or wishes to expand upon the expert technical reports or assessments lodged by the Applicant in support of the wildlife approval sought;
- (d) The Director-General's recommendation either to grant, subject to conditions, or decline the wildlife approvals sought, together with the basis of such recommendation;
- (e) Any proposed amendments considered necessary to conditions proposed in the application in the event of a recommendation to grant the wildlife approval sought, having regard to clause 6, Schedule 7 of the Act. Any proposed amendments should be track changed.

[7] In respect of the **complex freshwater fisheries activity**, the report should address:

- (a) The matters set out in clause 4, Schedule 9 of the Act;
- (b) How the weighting of matters set out in clause 5, Schedule 9 of the Act is to be approached, having regard to relevant senior court decisions;
- (c) Whether the Director-General disagrees with or wishes to expand upon the expert technical reports or assessments lodged by the Applicant in support of the complex freshwater fishery activity approval sought;
- (d) The Director-General's recommendation either to grant, subject to conditions, or decline the complex freshwater fishery activity approvals sought, together with the basis of such recommendation;
- (e) Any proposed amendments considered necessary to conditions proposed in the application in the event of a recommendation to grant the complex freshwater fishery activity approval sought, having regard to clause 6, Schedule 9 of the Act. Any proposed amendments should be track changed.

[8] Any advice or report received will be provided by the EPA to persons listed in section 51(5).

[9] The report must be provided to the EPA within 10 working days after the panel set up to determine the application invites comments under section 53. The panel has yet to be appointed, but to assist with managing preparation of the report, I can indicate that the panel is likely to be ready to commence by the end of October 2025.

A handwritten signature in black ink, appearing to read 'Gardner', with a long horizontal flourish extending to the right.

Jennifer Caldwell

Associate Panel Convener for the purpose of the Fast-track Approvals Act 2024